

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H04-0336-23      **Applicant:** Mr & Mrs Holt  
**Proposal:** Erection of detached bungalow & garage - outline approval H04-0609-22  
**Location:** Rear Of Red Gables 15a Town Dam Lane Donington  
**Terminal Date:** 12th June 2023

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

|            |                                                    |
|------------|----------------------------------------------------|
| 01         | Spatial Strategy                                   |
| 02         | Development Management                             |
| 03         | Design of New Development                          |
| 04         | Approach to Flood Risk                             |
| 10         | Meeting Assessed Housing Requirements              |
| 11         | Distribution of New Housing                        |
| 17         | Providing a Mix of Housing                         |
| 28         | The Natural Environment                            |
| 30         | Pollution                                          |
| 31         | Climate Change and Renewable and Low Carbon Energy |
| 32         | Community, Health and Well-being                   |
| 36         | Vehicle and Cycle Parking                          |
| APPENDIX 6 | Parking Standards                                  |

#### National Guidance

#### National Planning Policy Framework 2021

#### National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development  
Section 4: Decision-making  
Section 5: Delivering a sufficient supply of homes  
Section 9: Promoting sustainable transport  
Section 12: Achieving well-designed places  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment

### Representations:

|                | Object | Support | No Obj. | Comments |
|----------------|--------|---------|---------|----------|
| PARISH COUNCIL | 0      | 0       | 0       | 0        |

|                                      |   |   |   |   |
|--------------------------------------|---|---|---|---|
| WARD MEMBER                          | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT              | 0 | 0 | 0 | 1 |
| BLACK SLUICE INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a reserved matters application for a proposed detached bungalow with a detached garage with access of Town Dam Lane.

The proposal also comprises the means of access to the site, boundary treatments, landscaping, the layout, scale and external appearance of building, including a schedule of external materials to be used. The bungalow would have 4no bedrooms; one with an en-suite shower room, living room, kitchen/dinning room, utility, bathroom, and a study.

The walls would be constructed using red rural blend facing bricks, and natural clay plain tiles. It would have cream upvc windows, black soffits/fascia's/rainwater goods, a dark olive composite door and an oak porch.

The site has outline permission for one dwelling approved under application reference H04-0609-22.

### **Site Description**

The existing property of Red Gables, 15A Town Dam Lane is a single storey bungalow located on the north-side of the highway with a garden area extending to the rear of the property to the north. The site is bound to the east by agricultural land, dense tree planting to the north and residential properties (Mallards Reach) to the west.

### **History**

H04-1424-00 - Red Gables, Town Dam Lane, Donington - Residential building plot - Refused 2nd March 2001.

H04-0609-22 - Rear of Red Gables, 15A Town Dam Lane, Donington - Outline - Approved 17 August 2022

### **Consultation Responses**

#### **Black Sluice Internal Drainage Board**

##### **Rainfall Runoff**

It is understood that the applicant intends to discharge surface water via soakaways. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the site should be submitted to the local planning authority for their approval.

Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any

such scheme, prior to works commencing on site. Discharge to any watercourse will require prior written consent from the Board.

#### Disposal of Foul or Dirty Water

It is understood that the applicant intends to dispose of foul water to an existing system within the adjacent property to the south, which assumed to connect to an existing utility system along Town Dam Lane.

If this is the case, then provided the applicant has ensured that this system can accept the additional flows, and the relevant consent to discharge has been obtained, then the Board have no further comment.

#### Access to Watercourses / Byelaws

There is a Board-maintained piped watercourse at the access point into the site from Town Dam Lane. This piped structure is not owned by the Board. Ownership of the section of watercourse at the access point lies with the land or property owner for whomever requires the access (see Section 5 below).

The proposed development, as indicated on the plans submitted with the application, does not infringe upon the Board's Byelaw No.10 regarding obstructions within 9 metres of this watercourse. Any existing above ground structures, including any tree, bushes, hedges, etc., within the byelaw distance are deemed as having unofficial historical consent, and the Board reserves the right to give notice to the applicant or any successors for any obstructions to be removed at their expense, should the Board require access to the watercourse.

The applicant must ensure that any future works do not have any detrimental effect on the piped structure.

#### Filling in or Culverting Watercourses

There are a number of other watercourses bounding the site. These watercourses are NOT maintained by the Board.

The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse, and any structures within such as piped access culverts, lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board.

Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within.

If the applicant or their successors intend to pipe or fill any watercourse, now or at any time in the future, then under Section 23 of the Land Drainage Act 1991 the prior written consent of the Board is required for any proposed permanent or temporary works or structures, including infilling, diversion, or replacement of any existing structures, within any watercourse. This is mandatory.

#### Site Ground Levels

The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties.

#### Lincolnshire County Council Highways/SUDS

Recommendation: No objection

#### No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon

the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

## **Planning Considerations**

### Principle of development

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is inside Donington Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Furthermore the site has outline planning permission therefore there are no objections raised on locational grounds.

### Layout, appearance and design

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The principle of a detached dwelling on this site has already been accepted under the outline application therefore the siting of the proposed dwelling is considered acceptable. The proposed development would be located to the rear of No.15a Town Dam Lane. The character of the area is defined by a mixture of dwelling types, including both detached and semi-detached houses and bungalows. Spacing is also varied. Whilst some properties are on relatively spacious plots others are closer together. On balance, it is considered that a single dwelling could comfortably be accommodated in this location without materially harming the character or appearance of the immediate area.

The walls would be constructed using red rural blend facing bricks, and natural clay plain tiles. It would have cream upvc windows, black soffits/fascia's/rainwater goods, a dark olive composite door and an oak porch. Given there are examples of various materials in the immediate area the proposed materials schedule is considered to be acceptable and would not result in unacceptable impact on the visual amenity of the area.

Site levels of the garage and garden spaces would be the 0.01m higher than the existing finished floor levels of the adjacent property. The land level of the proposed dwelling would be 0.16m raised in relation to the neighbouring dwellings finished floor level. The finished floor levels of the proposed dwelling would be slightly raised in relation to the proposed land level; however, this would be such an extent that would not materially impact the street scene or neighbouring residents. The small raise and adequate separation distances ensures no unacceptable impact.

Taking all these factors into account it is considered, on balance, the proposed dwelling would not materially harm the character or appearance of the locality and would therefore satisfactorily comply with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the NPPF in this respect.

### Landscaping and Boundary Treatments

Part of the front garden would be grass and the rest would be gravelled to provide off-street parking and turning provision for 3 vehicles the drive would be an extension of the gravel drive serving Red Gables (No.15a). Hard landscaping includes patio slabs around the perimeter of the house and a small section of the rear garden, the remaining garden to the front, side and rear would be mainly lawn and would likewise be of decent size to ensure good levels of amenity to the future residents.

The existing post and wire fence to the north would be retained. The southern and western boundary would have a new 1.8m fence erected with a new 1.1m timber picket fence erected to the

front boundary (eastern).

The proposals for landscaping and boundary treatment would be appropriate with existing site features and the residential use of the land. As such the scheme is considered to be in accordance with Policies 2 and 3 of the SELLP in respect of their provisions on landscaping and boundary treatments.

### Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Given the single storey nature of the proposed dwelling it is not considered to result in an overbearing impact to the neighbouring dwellings. The closest neighbour to the south (Red Gables, No.15a) is a detached bungalow, the proposed detached garage would be located 1.346 metres from the shared boundary. The proposed dwelling would be located approximately 11.1m metres from the shared boundary with this neighbour. Given this separation distance and relationship with this neighbour it would not appear overbearing or result in unacceptable levels of overshadowing.

With regards to the neighbour to the rear the proposed dwelling would be sited approximately 14.9 metres from the rear boundary, with the closest point being 11.3 metres away from the rear boundary. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. In addition, the proposed dwelling would be sited in a similar position to the existing dwelling to the south of the application site therefore the relationship with the neighbours to the rear would not change considerably.

Given the above the proposed development is on balance considered acceptable in terms of its impact on neighbouring amenity and satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

### Access, Highway Safety and Car Parking Provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3no bedrooms should be provided within the curtilage. The proposed dwelling would have 3 bedrooms. The proposed driveway layout would be sufficient for two vehicles that could enter and egress the site in a safe and forward manner. Additional parking would be provided in the garage. Overall, the proposals would ensure minimum parking standards.

The County Highways Authority has not objected the proposal as the existing access would be utilised and adequate provision for car parking and turning space has been provided within the site to enable vehicles to enter and leave in a forward gear.

As such there are no access/parking/highway safety concerns.

### Flood Risk and Drainage

The majority of the site is within Flood Zone 1, with the south-west corner of the site within Flood Zones 2 and 3 with no risk to people as identified by the South East Lincolnshire Strategic Flood Risk Assessment (2017). Given that the footprint of the dwelling is located within Flood Zone 1 with a low probability of flooding a site specific flood risk assessment and sequential test are not required.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

The outline planning application which this reserved matters proposal is pertinent to, includes pre commencement conditions in relation to surface and foul water drainage. Notwithstanding the details submitted, these conditions must be formally discharged prior to a commencement of development. As such, these drainage matters will be assessed in detail within the relevant

forthcoming submission of details application.

### Planning balance

The principle of developing the residential scheme is acceptable at such location given the extant outline permission.

The external materials, landscaping and mean of enclosure would be sympathetic with the neighbouring land uses and the semi-rural character of the area. The dwelling footprint would sit well within the plot. No undue harm would occur upon the amenity standards of adjacent neighbours.

On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal.

On balance, no adverse impact of approving the reserved matters would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

### **Conclusion**

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 17, 28, 30, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 12, 14 and 15 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

### **Additional Considerations**

#### Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

#### Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for

private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.